



Gary T Conroy

I dont have the majority of the Council to side with me. I have exposed the personal relationships the City Manager has made with other Council members. For one Councilwoman Christine Power goes camping with city manager. They hired Councilman Blazi's neice as our finance director. Don't you might think it was for future favors. I have voiced my concerns with their personal relationships with city manager at council meetings but if no one is there to listen it falls on deaf ears.
I haved lived here 30 years and was a police officer for



Write a comment...



meetings but if no one is there to listen it falls on deaf ears.
I haved lived here 30 years and was a police officer for 22 years here in Edgewater. You might hear I am a big mouth, overbearing, abrupt and insensitive at times what you want hear EVER I'm not truthful or struggles with integrity.

2h Like Reply



Gary T Conroy

Well let me give list:
City manager's son hired and promoted.
Police Chiefs daughter hired assistant city clerk. Qualified residents overlooked for someone who lives elsewhere.
Public information Officer's son inlaw hired as finance asst.
Councilwoman Vogt son Inlaw hired as solid waste employee. And this are the ones I know about.

1h Like Reply



Doran & Sims
Wolfe & Ciocchetti
Attorneys at Law

MEMORANDUM

TO: Mayor Michael Ignasiak
Councilwoman Christine Power
Councilwoman Amy Vogt
Councilman Dan Blazi
Councilman Gary Conroy

CC: Tracey Barlow, City Manager

FROM: Aaron R. Wolfe, City Attorney

DATE: March 13, 2018

RE: Application of Anti-Nepotism Statute

Councilman Conroy recently expressed some questions and concerns relating to the anti-nepotism statute (Fla. Stat. § 112.3135 – Restriction on Employment of Relatives) and its application to City hiring and promotions. By way of background, § 112.3135(2)(a) provides that:

A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises



MEMORANDUM

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FROM: Aaron R. Wolfe, City Attorney

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A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member.

Numerous opinions of the Attorney General have concluded that the "anti-nepotism" statute is not intended to prevent relatives from working together in public employment, but rather that it is intended only to prohibit those public officials, who have the power to appoint or promote or recommend their own relatives, from exercising such a power. *See*, AGO 080-70 (concluding that a town council could appoint the town clerk's brother as maintenance supervisor, since the prospective employee was not related to the officials in whom the appointing or employing power was vested); AGO 077-144 (concluding that a nonrelated appointing official may hire the relative of an existing department official); AGO 071-158 (concluding that the county engineer could hire a relative of a county commissioner without violating s. 116.111, but that this county commissioner could not advocate employment of his relative, and would have to abstain from voting on the issue should it come before the board); AGO 074-255 (concluding that s. 116.111 does not prevent a state agency from employing husband and wife teams so long as the person who hires the couple is related to neither of them, and additionally that it may not allow one spouse to promote or advance the other or to advocate promotion or advancement of the other); AGO 073-397 (concluding that a city may employ the daughter of a police lieutenant as a policewoman even though she would be at times under the supervision of her father, since neither relative possesses the power to appoint, employ, or promote); AGO 071-258 (concluding that a department head having appointing power who is not related to a prospective employee may appoint such a person even though the prospective appointee is related to an existing officer or employee in the department).

In addition, due to the penal nature of the anti-nepotism statute, it must be strictly construed. *State ex rel Robinson v. Keefe*, 111 Fla. 701, 149 So. 638 (Fla. 1933) (strictly construing predecessor to current anti-nepotism law because it was penal in nature). When a statute imposes a penalty, any doubt as to its meaning must be resolved in favor of strict construction so that those covered by the statute have clear notice of what conduct the statute prescribes. *State v. Llopis*, 257 So. 2d 17, 18 (Fla. 1971).

One specific area of concern which was raised relates to the promotion of Bridgette King to the position of Interim Finance Director. It is my understanding that Bridgette King is the niece of Councilman Blazi. Pursuant to the City Charter, the City Council is not vested with the authority to hire or promote City employees other than the City Manager, City Clerk and City Attorney. For this reason, the Commission on Ethics has opined that the anti-nepotism statute would not be violated when the wife of a county commissioner to be promoted within the county's solid waste department. CEO 93-1. Also, in AGO 71-158, the Attorney General concluded that a county engineer as an administrator could hire a relative of a county commissioner without violating the anti-nepotism law, since the public official vested with the power of appointment (employment) was the county engineer, not the board. In addition, it has been held that Florida's anti-nepotism law did not prohibit reappointment of a city commissioner's relative to the city's board of adjustment by five-sevenths vote of the city commission, so long as the relative abstained from voting and in no way advocated the commissioner's appointment. *City of Miami Beach v. Galbut*, 626 So. 2d 192 (Fla. 1993).

It is my understanding that Councilman Blazi did not advocate that his niece be promoted to Interim Finance Director. Accordingly, based upon the foregoing authorities, it is my opinion that the promotion of Bridgette King did not violate the anti-nepotism law.

Another concern that was raised relates to a rumor that Councilwoman Vogt told Edgewater Human Resources that her son-in-law had applied for a job and a short time later her son-in-law was hired by the City. Even if this rumor were true, and nothing has been presented in support of this rumor, this would not be a violation of the statute unless Councilwoman Vogt advocated for the employment of her son-in-law. The Edgewater Human Resources Department does not have the authority to hire employees and if the application of her son-in-law came up in casual conversation this would not constitute “advocating” for her son-in-law’s employment as the HR Department does not hire City employees.

The plain language of the statute at issue indicates that only overt actions by a public official resulting in the appointment of that official's relative are prohibited. Section 112.3135(2)(a) provides in pertinent part:

A public official may not *appoint ... or advocate for appointment ...* to a position in the agency ... over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed ... to a position in an agency if *such appointment ... has been advocated* by a public official ... exercising jurisdiction or control over the agency, who is a relative of the individual.

(Emphasis added). As the district court noted,

[t]he statute is addressed to the individual public official and to the relative of that public official. It prohibits the public official from taking overt action to appoint a relative, either by making the appointment, or advocating the relative for appointment. Similarly, the relative may not accept the appointment if the appointment has been made or advocated by the related public official.

605 So.2d at 467.

This construction is consistent with other provisions of chapter 112. In particular, section 112.311(2), Florida Statutes (1991), provides:

It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve.

In a similar vein, section 112.311(4), Florida Statutes (1991), makes clear that the act was intended to protect the integrity of the government and to facilitate the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest “without creating unnecessary barriers to public service.”

Another specific area of concern that was raised relates to the hiring and promotion of the City Manager’s son to the Fire Department. Back in 2013 former Chief Cousins asked me for an opinion as to whether he could hire the City Manager’s son. I researched the law and later met with Chief Cousins and the former Human Resources Director, Donna Looney, to discuss the issue. I was informed that Chief Cousins had administered a test and hoped to employ the two candidates who scored highest on the test if he could legally do so. I was also informed that the City Manager had no role in the selection process and had not advocated for the employment of his son. Based upon this information, and the above-referenced legal authorities, I gave my opinion that Chief Cousins could hire the City Manager’s son along with the other candidate. It is my understanding that he started employment in December of 2013.

More recently, it is my understanding that Chief Arcieri promoted the City Manager’s son to the position of driver/engineer within the Fire Department. It is my understanding that this promotion was based upon test scores in accordance with the Collective Bargaining Agreement. Article 13.6 of the Collective Bargaining Agreement for Firefighter and Driver Engineer states:

When tests are given, the scores shall be good for two (2) years. Only candidates who meet the minimum acceptable scores established for any test shall be placed on an eligibility list. If the test scores have expired, a new test will be given within 6 months of the date of expiration or sooner if a vacancy exist.

The November 25, 2015 Driver/Engineer Test Scores, which were set to expire on November 25, 2017, indicated that six candidates passed the test and were eligible for promotion. It ranked the following candidates as one through four:

Bridges - promoted to Driver Engineer July 17, 2016
Nickels - promoted to Driver Engineer July 17, 2016
Thomas - promoted to Driver Engineer July 17, 2016
Pantuso - promoted to Driver Engineer October 16, 2016

The remaining two firefighters who were still eligible for promotion on the list according to the Collective Bargaining Agreement were:

Barlow – Promoted to Driver Engineer on November 19, 2017
Thompson – promoted to Driver Engineer on November 20, 2017

Therefore, Chief Arcieri promoted the only two firemen left on the list who successfully passed the assessment process pursuant to the Collective Bargaining Agreement. Although Mr. Barlow signed the Personnel Action forms in connection with the hiring and promotion of his son, this was ministerial approval for the department head to hire or promote someone to fill a vacancy (as there was money in the budget for it) and does not mean Mr. Barlow was involved in the selection process. For the foregoing reasons, in my opinion there was no violation of the statute relating to the promotion by the Chief of Mr. Barlow's son. *See*, CEO 94-6 (city police officer may be promoted by police chief pursuant to collective bargaining agreement even though his first cousin is city manager).

I realize that there are gray areas in the law when it comes to construing the application of a statute. My opinions are based on my understanding of the facts and the legal research I have done. However, I understand that there can be differing legal opinions on the subject. Please let me know if you have any questions.

ARW:kl

Tracey T. Barlow

From: Robin Matusick
Sent: Thursday, March 15, 2018 3:48 PM
To: Amy Vogt
Cc: Tracey T. Barlow
Subject: Fwd: Bill

Per your request!

Sent from my iPhone

Begin forwarded message:

From: Karon LaVassaur <KLaVassaur@doranlaw.com>
Date: March 15, 2018 at 3:26:47 PM EDT
To: Robin Matusick <rmatusick@CITYOFEDGEWATER.ORG>
Cc: Aaron Wolfe <awolfe@doranlaw.com>
Subject: RE: Bill

Robin, Aaron billed 3.5 hours at \$216 per hour which totals \$756.00. Please let us know if you need anything further on this.

Karon

From: Robin Matusick [<mailto:rmatusick@CITYOFEDGEWATER.ORG>]
Sent: Thursday, March 15, 2018 1:35 PM
To: Karon LaVassaur <KLaVassaur@doranlaw.com>
Cc: Kelsey Arcieri <karciери@CITYOFEDGEWATER.ORG>
Subject: Fwd: Bill

Karon,

As you can see, a request has been made for the costs that this will be on our March invoice that we will receive in April - can you please provide in advance?

Thanks!

Sent from my iPhone

Begin forwarded message:

From: Amy Vogt <avogt@CITYOFEDGEWATER.ORG>
Date: March 15, 2018 at 1:07:11 PM EDT
To: Robin Matusick <rmatusick@CITYOFEDGEWATER.ORG>
Subject: Re: Bill

Yes please

Sent from my iPad

On Mar 15, 2018, at 12:46 PM, Robin Matusick
<rmatusick@CITYOFEDGEWATER.ORG> wrote:

The nepotism matter?

Sent from my iPhone

On Mar 15, 2018, at 11:37 AM, Amy Vogt
<avogt@CITYOFEDGEWATER.ORG> wrote:

I would like to know how much we had to pay the city attorney for the claims Gary made against myself Blazi and Tracy

Sent from my iPad

[City
Website]<<http://www.edgewaterfl.gov>> [Facebook]
<<https://www.facebook.com/CityofEdgewater>> [Twitter]
<<https://twitter.com/cityofedgewater>> [YouTube]
<https://www.youtube.com/channel/UCI_r0uHACBVupYf2slPWXkw> [Newsletter]
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<<http://cportal.operationslob.com/mobile/?appcode=edgewaterfl>>



Andrew Spurlock

Added on Friday, October 5, 2018 at 5:38 AM



September 18, 1979 · 🌐 · 🌐



In a Relationship with Megan O'Keefe

September 18, 1979



Jessica Realin, Michael Lori Ignasiak and 123 others

3 Comments

👍 Like

💬 Comment

➦ Share



Chuck Martin Perfect !!!!

Like · Reply · 14w



1



Debbie Coons



Like · Reply · 14w

Tracey T. Barlow

From: Gary Conroy
Sent: Monday, October 15, 2018 10:45 PM
To: Tracey T. Barlow
Subject: EPD Sgt. Adam Burris termination

I just had the great displeasure of reading the city's letter terminating Burris. This is incredulous but does not surprise me as your past actions surely predicted this action. This will leave Burris without income and health insurance for him and his children as he goes thru the process of obtaining a disability pension.

His action which led to his disability of actively preventing a murder by firearm earns him the respect and dignity as a hero not as disposable as your treating him.

I insisted he put back on city payroll and health insurance immediately.

I am prepared for your patterned answer. "I only answer to the majority of the Council." I have emailed the Mayor and requested a special meeting as soon as possible to deal with this injustice.

Gary Conroy
District 4
Edgewater City Council

P.S. If your resignation is among your reply I would gladly accept it.

Sent from my iPhone

[City Website] <<http://www.edgewaterfl.gov>> [Facebook] <<https://www.facebook.com/CityofEdgewater>> [Twitter]
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[Newsletter] <<http://www.cityofedgewater.org/how-do-i/receive-email-notifications>> [Mobile App]
<<http://cportal.operationslob.com/mobile/?appcode=edgewaterfl>>

OFFICE OF THE STATE ATTORNEY

SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES



R. J. Larizza
STATE ATTORNEY

St. Johns County Judicial Center
4010 Lewis Speedway, Room 2022
St. Augustine, FL 32084
Phone (904) 209-1620
Fax (904) 209-1621

January 15, 2019

City of Edgewater
104 N. Riverside Drive
Edgewater, FL 32132

ATTN: Custodian of Records

RE: PUBLIC RECORDS REQUEST

This is a Public Records Pursuant to the Florida Public Records Laws provided under FSS Chapter 119. I am requesting that I be provided a copy of the following records (in electronic format, if available):

Any and All records, including but not limited to text messages, emails, letters and other written or electronic communications between Edgewater Police Department Reserve Detective Chris Balmer and any city of Edgewater Town Council Member(s), City Manager, Assistant City Manager, Acting City Manager and/or Mayor between October 1, 2018 and November 15, 2018.

I appreciate your prompt attention given to this matter. Should you have any questions regarding my request, please do not hesitate to contact me.

Respectfully,



Michael K. Taylor
Deputy Chief Investigator
Office of the State Attorney